

Office of Environmental Health Hazard Assessment

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MEMORANDUM

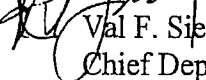


Winston H. Hickox
Agency Secretary



Gray Davis
Governor

TO: Paul H. Gosselin
Chief Deputy Director
Department of Pesticide Regulation
P.O. Box 4015
Sacramento, California 95812-4015

FROM:  Val F. Siebal
Chief Deputy Director

DATE: March 11, 2003

SUBJECT: CONSULTATION ON THE SUBCHRONIC REGULATORY TARGET
VALUE AND APPROPRIATE CONTROL MEASURES FOR METHYL
BROMIDE

Thank you for your February 28, 2003 memorandum providing background information and notification regarding the upcoming interagency work group addressing the subchronic regulatory target value and appropriate control measures for methyl bromide. For this specific workgroup, the following staff members, or their designees, have been designated to represent the Office of Environmental Health Hazard Assessment (OEHHHA):

1. William Ngai, M.D., M.P.H. - OEHHHA's representative on the Worker Safety Regulations Work Group
2. Robert Schlag, M.Sc. - Chief of the Pesticide Epidemiology Unit
3. Michael J. DiBartolomeis, Ph.D., D.A.B.T., - Chief of the Pesticide and Food Toxicology Unit

At this time we would like to express our concern regarding the timeline for scheduling the first meeting. The deadline for submission of public comments on the addendum to the methyl bromide inhalation risk characterization document is March 11, 2003. Holding the interagency work group meeting on March 12, 2003 will not allow enough time for consideration and discussion of the workgroup of issues raised in public comments. If this is the only interagency meeting before the proposal is finalized, we recommend that the meeting be rescheduled after the public comments have been compiled and distributed to the workgroup members to allow adequate time for their consideration prior to our meeting. If rescheduling is not possible, we recommend at least one follow-up meeting of the interagency workgroup to discuss major issues with you before your regulatory proposal is finalized.

California Environmental Protection Agency

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.



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Paul H. Gosselin
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We are looking forward to working with you on formulating a health-protective target value and a coherent regulatory package that assures worker safety for methyl bromide use. OEHHA staff will contact Mr. Chuck Andrews for more information on the first workgroup meeting.

If you have any questions, please contact me at (916) 324-2831 or Dr. Robert Schlag at (916) 323-2624.

cc: Anna M. Fan, Ph.D.
Chief, Pesticide and Environmental Toxicology Section

William Ngai, M.D., M.P.H.
Public Health Medical Officer II
Pesticide and Environmental Toxicology Section

Robert Schlag, M.Sc.
Chief, Pesticide Epidemiology Unit
Pesticide and Environmental Toxicology Section

Michael J. DiBartolomeis, Ph.D., D.A.B.T.
Chief, Pesticide and Food Toxicology Unit
Pesticide and Environmental Toxicology Section



Paul Helliker
Director

Department of Pesticide Regulation

MEMORANDUM

OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
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MAR 3 2003

Sacramento



Gray Davis
Governor

Winston H. Hickox
Secretary, California
Environmental
Protection Agency

TO: Val Siebal
Chief Deputy Director
Office of Environmental Health Hazard Assessment

FROM: Paul H. Gosselin
Chief Deputy Director
(916) 445-4330

DATE: February 28, 2003

SUBJECT: CONSULTATION ON THE SUBCHRONIC REGULATORY TARGET
VALUE AND APPROPRIATE CONTROL MEASURES FOR METHYL
BROMIDE

The Department of Pesticide Regulation (DPR) has formed an interagency work group to seek advice on the subchronic regulatory target value and appropriate control measures for methyl bromide. DPR is requesting that you designate staff to participate on the work group. For your information, William Ngai, of your staff, currently represents the Office of Environmental Health Hazard Assessment (OEHHA) on the Worker Safety Regulation Work Group. OEHHA has a long-standing working relationship with DPR on toxic air contaminants, including methyl bromide. Your staff's participation on this work group will provide DPR with valuable input on how to regulate the use of methyl bromide.

In 2002, a Superior Court judge ruled in *Ventura County Agricultural Association v. DPR* (consolidated with *Environmental Defense Center v. DPR*) that DPR failed to adequately consult with the California Department of Food and Agriculture (CDFA) as required by law and a 1992 memorandum of understanding, in developing regulations governing the field fumigation use of methyl bromide. As a result, the court voided the regulations, prompting the need to fulfill the consultation requirements with CDFA and readopt the rules.

At the same time, DPR was in the process of settling another case involving methyl bromide. In *Carrillo v. DPR and Monterey County Agricultural Commissioner*, DPR agreed to review and consider the regulation of subchronic exposure to methyl bromide when it repromulgates the regulations as a result of the *Ventura County Agricultural Association v. DPR* case. As part of the settlement in the *Carrillo v. DPR and Monterey County Agricultural Commissioner* case, DPR agreed to follow interagency consultation procedures under the Toxic Air Contaminant Act. In addition, DPR will consult with other agencies under worker protection rules.

Under the Toxic Air Contaminant Act, DPR investigates the need for, and appropriate degree of, control for toxic air contaminants. Prior to making this determination, DPR must consult with OEHHA, Air Resources Board, air pollution control districts or air quality management districts, and the county agricultural commissioners on the need for and appropriate degree of control

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measures for the pesticide. If reductions in exposure are needed, DPR must develop control measures to reduce omissions to levels that adequately protect public health.

For your information, we have scheduled a Methyl Bromide Interagency Work Group meeting on March 12, 2003, 9:00 a.m.-12:00 p.m., Cal/EPA Building, room 320. Please ask your designated staff member to contact Chuck Andrews, Chief of DPR's Worker Health and Safety Branch, at 445-4222 prior to the scheduled work group meeting. Thank you for your cooperation in this matter.

cc: William Ngai, OEIIIA
Charles M. Andrews, Chief, DPR's Worker Health and Safety Branch